

1
2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 TODD RICHARD PROKASKY,

7 Plaintiff,

8 v.

9 PATRICK GLEBE,

10 Defendant.

No. C12-5134 BHS/KLS

REPORT AND RECOMMENDATION
Noted For: April 6, 2012

11 On February 17, 2012 Petitioner Todd Richard Prokasky filed a petition for writ of
12 habeas corpus along with the \$5.00 filing fee. ECF No. 1 (Receipt No. T-9512). On the same
13 day, he filed an application to proceed *in forma pauperis*. ECF No. 4. Because Mr. Prokasky
14 has paid the filing fee, the Court should deny the application to proceed *in forma pauperis*.

15 **DISCUSSION**

16 A district court may permit indigent litigants to proceed *in forma pauperis* upon
17 completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has
18 broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314
19 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963).
20

21 Mr. Prokasky paid the \$5.00 filing fee on February 17, 2012. Therefore, his application
22 to proceed *in forma pauperis* is moot.

23 **CONCLUSION**

24 Because Mr. Prokasky has paid the filing fee, the undersigned recommends that the Court
25 deny his application to proceed *in forma pauperis* (ECF No. 4).
26

1 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), Petitioner shall have fourteen
2 (14) days from service of this Report and Recommendation to file written objections thereto. See
3 also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for
4 purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time limit
5 imposed by Rule 72(b), the Clerk is directed set this matter for consideration on **April 6, 2012**,
6 as noted in the caption.
7

8 **DATED** this 14th day of March, 2012.
9

10 
11 Karen L. Strombom
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26